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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**DECLARATION OF GARY R.
SINISCALCO IN SUPPORT OF
DEFENDANT ORACLE
AMERICA, INC.'S MOTION TO
COMPEL PLAINTIFF OFCCP TO
PRODUCE DOCUMENTS,
RESPOND TO
INTERROGATORIES, AND
DESIGNATE WITNESSES FOR
DEPOSITION**

I, GARY R. SINISCALCO, hereby declare as follows:

1. I am an attorney admitted to practice in the State of California. I am Senior Counsel at Orrick, Herrington & Sutcliffe LLP ("Orrick"), and counsel to Oracle America, Inc. ("Oracle") in the above matter. I make this declaration in support of Oracle's Motion to Compel Plaintiff OFCCP to Produce Documents, Respond to Interrogatories, and Designate Witnesses for Deposition. I have personal knowledge of the facts set forth herein, except where stated on information and belief, and if called as a witness could competently testify thereto.

2. OFCCP initiated a compliance review of Oracle's headquarters in Redwood Shores, California (hereinafter "HQCA") on or about September 24, 2014, under Executive Order 11246.

3. Counsel for Oracle spent over 20 hours meeting and conferring with OFCCP over OFCCP's objections to Oracle's requests for documents, interrogatories and deposition notice.

4. It is my understanding that in meet and confer discussions, OFCCP would not represent or confirm that its other offices do not possess documents and relevant information.

5. It is also my understanding that in meet and confer calls with OFCCP, Oracle asked OFCCP to clarify whether it was objecting on privilege or relevance grounds, or both, to each of Oracle's requests for production and to remove any inapplicable objections, but that OFCCP refused.

6. Over the course of Oracle's meet and confer discussion with OFCCP, it is my understanding that at one point or another OFCCP objected to the following terms as ambiguous or requiring clarification: "compliance review," "related to," "methodology," "model," "statistics," "computations," "statistical analysis," "conclusions," "interview," "adopt," "endorse," "victims," "similarly situated," "memorializing," and "statement."

7. Attached hereto as **Exhibit A** is a true and correct copy of the Notice of Violation dated March 11, 2016.

8. Attached hereto as **Exhibit B** is a true and correct copy of OFCCP's March 6, 2017 Objections and Answers to Defendant's Request for Production, Set One.

5. Attached hereto as **Exhibit C** is a true and correct copy of OFCCP's June 12, 2017 Objections and Answers to Defendant's Interrogatories, Set One, as Amended.

9. Attached hereto as **Exhibit D** is a true and correct copy of OFCCP's June 21, 2017 Objections to Defendant's Notice of Deposition Pursuant to 41 C.F.R. § 60-30.11 and Fed. R. Civ. P. 30(B)(6).

10. Attached hereto as **Exhibit E** is a true and correct copy of relevant meet and confer correspondence between Oracle and OFCCP regarding Oracle's Request for Production of Documents.

11. Attached hereto as **Exhibit F** is a true and correct copy of relevant meet and confer correspondence between Oracle and OFCCP regarding Oracle's Amended Interrogatories.

12. Attached hereto as **Exhibit G** is a true and correct copy of relevant meet and confer correspondence between Oracle and OFCCP regarding Oracle's 30(b)(6) deposition notice.

13. Attached hereto as **Exhibit H** is a true and correct copy of the article "Google

Deliberately Confuses Its Employees, Fed Says,” available at

<https://www.wired.com/story/google-department-of-labor-gender-pay-lawsuit/> (July 25, 2017).

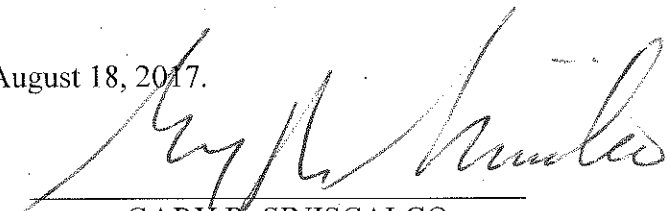
14. Attached hereto as **Exhibit I** is a true and correct copy of the OFCCP’s website page <https://www.dol.gov/newsroom/releases/ofccp/ofccp20170118-0>.

15. Attached hereto as **Exhibit J** is a true and correct copy the OFCCP’s website page “U.S. Department of Labor – OFCCP – Key Personnel National Office”, available at <https://www.dol.gov/ofccp/contacts/ofcpkeyp.htm>.

16. Attached hereto as **Exhibit K** is a true and correct copy of an excerpt of the Federal Contract Compliance Manual (October 2014).

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed in San Francisco, California on August 18, 2017.



GARY R. SINISCALCO